

## **REMARKS/ARGUMENTS**

### **Amendments**

Before this Amendment, claims 1-20 were present for examination. No claims are amended, added, or canceled. Therefore, claims 1-20 are present for examination, and claims 1, 13, and 18 are the independent claims. Applicants respectfully request reconsideration of this application for the reasons that follow.

### **35 U.S.C. §102(b) Rejection, Bodnick**

The Final Office Action dated January 5, 2007 (Office Action) rejected claims 1-20 under 35 U.S.C. §102(b) as being anticipated by the cited portions of U.S. Patent Pub. 2002/0138302 to Bodnick (hereinafter "Bodnick"). For a valid anticipation rejection, the Office must show that each limitation from the claims appears in a single piece of prior art. Applicants, however, believe significant limitations from independent claims 1, 13, and 18 are neither taught nor suggested in the references.

More specifically, the references cannot be relied upon to teach or suggest "generating ... packets containing ... information **obtained** from ... an **on-line drug and medical information system**" in **response** to the **selection** by a user from a set of dynamic prompts, as recited in claim 18 (emphasis added). Similar limitations are also found in independent claims 1 and 13.

Bodnick, in fact, teaches a very different system from the one presented in the claims. Bodnick describes a system that "provides automated reminder messages via telephone to encourage patient compliance with health care programs, such as maintaining a regular program of prescription medication consumption" (Bodnick, Abstract). In Bodnick, for "each patient, a set of patient profile information is stored in a database" (*Id.*, p. 3, ¶[0031]). The "profile information may be entered by the patient, by a doctor, administrator or other third party" (*Id.*). The system "has a timing mechanism for placing calls at specified dates and times as specified in the patient profile database" (*Id.*).

The Office Action states that Bodnick teaches the receipt of a selection from a patient in response to dynamic prompts (Office Action, pp. 2, 6, and 8, *citing* Bodnick, ¶¶[0040]-[0042]). The cited parts of Bodnick do describe "interaction scenarios," wherein the "system will prompt the patient" to input certain information as to whether a patient has "taken their medicine" (Bodnick, ¶[0040]).

However, the claims recite that certain information be generated *in response* to selections by the user. Specifically, claim 18 recites "generating, in response to the selection, ... packets containing ... information **obtained** from ... an **on-line drug and medical information system**" (emphasis added). To teach this limitation, the Office Action refers back to the sections in Bodnick related to the patient profile (Office Action, pp. 3, 6, and 8, *citing* Bodnick, ¶¶[0031], [0032], and [0034]). But drug information included in a patient profile is different than obtaining the information from an "**on-line drug and medical information system**" in response to patient selections, as claimed (emphasis added).

In Bodnick, it appears that "Patient Profile Information" database may supply some drug information (Bodnick, ¶¶[0022] and [0031]; Fig. 3, ref. num. 348). Unlike the claims, which recite a "drug or medical profile of the user" *and* an "on-line drug and medical information system," the system of Bodnick appears to rely instead on just the "patient profile information" database 348 with data entered by the patient, doctor, administrator or other third party.

The claims at issue generally specify obtaining, in response to a patient selection, drug or medical information from an on-line drug and medical information system. This limitation is plainly absent from Bodnick, as there is no teaching that information is obtained from an on-line drug and medical information system in response to patient selections.

In light of the foregoing, Applicants respectfully submit that the specified limitations in independent claims 1, 13, and 18 are allowable for at least the foregoing reasons. Claims 2-12, 14-17, 19 and 20 each depend from these independent claims and are believed

Appl. No. 10/693,867  
Resp. dated March 5, 2007  
Response under 37 CFR 1.116 Expedited Procedure  
Examining Group 2614

PATENT

allowable for at least the same reasons as given above. Applicants respectfully request that the rejections to claims 1-20 under 35 U.S.C. §§102(e) be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Michael L. Drapkin/

Michael L. Drapkin  
Reg. No. 55,127

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
MLD:nlm  
60959792 v1